

The materials included in this research guide are available at the University of Idaho Main Library and College of Law Library.

Introduction

Treaties are referred to by a variety of names: international agreement, international convention, covenant, protocol, charter, act, declaration, memorandum of understanding, or accord. The Vienna Convention on the Law of Treaties (1969) defines *treaty* as “an international agreement concluded between States in written form and governed by international law...whatever its particular designation.” Treaties can be either *bilateral* (between two parties) or *multilateral* (between several parties). Whether a treaty is bilateral or multilateral will, to a large degree, determine your success in finding the text of the treaty and related background information. In general, multilateral treaties are easier to research than bilateral treaties.

It is important to use both paper and electronic resources when performing treaty research as indexes and full-text compilations of non-U.S. treaties tend to lag behind significantly, often by as much as 10-15 years. However, there are a number of electronic treaty resources available on the Internet providing unofficial copies of newer treaties.

For more detailed information on non-U.S. treaty research the following materials may be helpful.

Fundamentals of Legal Research 8th ed.

Law Library Reserve KF240 J66

Chapter 20 on “International Law” has a good discussion on U.S. and non-U.S. treaty research.

Guide to International Legal Research 4th ed.

Law Library Ref. KZ1234 G85 2002

Comprehensive research guide covering primary and secondary sources, practice materials, and country specific resources, both in paper and electronic format. Part II, Chapter B covers treaty resources.

ASIL Guide to Electronic Resources for International Law: Treaties

<http://www.asil.org/resource/home.htm>

Detailed research guide to U.S. and non-U.S. treaty research with numerous links to online resources. Part of a larger research guide to international law.

Researching Non-U.S. Treaties

http://www.llrx.com/features/non_ustreaty.htm

An excellent research guide compiled by Stefanie Weigmann of Harvard Law School. Provides numerous links to online sources of treaty collections, bilateral treaties, and official gazettes publishing international agreements.

Generally, there are four steps to performing non-U.S. treaty research:

1. Finding the text of the treaty or agreement.
2. Determining the treaty's status or ratification.
3. Finding reservations and declarations.
4. Locating background information or treaty interpretation.

Locating Treaties

World Treaty Index, 2nd ed.

Main Library Reference JX171 R63 5 vol.

Includes citations to over 40,000 bilateral and multilateral treaties concluded between 1900 and 1980. Index by party (vol. 4) or keyword (vol. 5). Since this series ended in 1980 it does not reflect the current status of treaties.

Multilateral Treaties Deposited with the Secretary General

Main Library JX1985 U442

Annual publication by the United Nations. As the name indicates, this index is limited to treaties deposited with the Secretary General. However, it is still a valuable resource. Each volume lists treaties chronologically by subject. Entries include the effective date, list of signatories with dates of accessions, citations to the United Nations Treaty Series (UNTS), and the full-text of declarations and reservations. Library holdings cover 1967-current.

Treaty Sources: Current

United Nations Treaty Series (U.N.T.S.)

Main Library JX170 U35

Available in paper and microfiche. Contains all agreements (bilateral and multilateral) entered into by member countries beginning in 1946. Chronological and subject indexes are published every 50 volumes (formerly every 100 volumes). Generally, an 8-10 year delay between ratification and publication, and a 5-year delay between publication and indexing.

International Legal Materials (I.L.M.)

Law Library Periodicals

Published by the American Society of International Law. Bi-monthly publication beginning in 1962. Publishes the full-text of selected U.S. and non-U.S. treaties and some judicial opinions. Often the only print source for recent treaties. Annual subject index in the last volume for each year. Cumulative indexes for 1962-1969 and 1970-1979.

Treaty Sources: Historical

League of Nations Treaty Series (L.N.T.S.)

Main Library JX170 L4 (Storage)

The forerunner to UNTS. Includes treaties registered with the Secretariat by members of the League of Nations between 1919 and 1946.

Consolidated Treaty Series

Main Library JX120 P35

Covers historical treaties signed between 1648 and 1919. Contains thousands of treaties in both the original language and English translation. Arranged chronologically, includes party index. Over 200 volumes.

Treaty Status, Ratification, and Reservations

Locating information concerning a treaty's status, ratification, and reservations made by treaty parties can be difficult. For treaties deposited with the United Nations, a good source of information is *Multilateral Treaties Deposited with the Secretary General*, which includes the full-text of reservations and declarations (See, **Locating Treaties**, for a complete description).

Martindale-Hubbell International Law Digest
Law Library Reference KF190 M375 2003

Digests the laws of 80 countries by topic. Under "Treaties and Conventions" are listed bilateral and multilateral treaties. The information provided varies for each country, but may include the date signed and ratified and some information concerning reservations and declarations. This volume also reprints the text of ten international conventions to which the U.S. is a party.

Background Information and Treaty Interpretation

Unfortunately for the researcher, finding background information or legislative history of non-U.S. treaties is extremely difficult. Most libraries simply will not have access to these types of materials. However, there are many treatises discussing the development of specific treaties and conventions. By searching the library catalog using the exact name of the treaty or a keyword search, you should be able to locate such texts.

Law reviews and legal periodicals often publish articles on the legislative history of treaties. By using a print index, such as the *Index to Legal Periodicals* (Law Library Reference K33 I6) or an online index such as *LegalTrac* (available on the Law Library web site) you should be able to find citations to such articles.

In some instances, if you know the name of the organization that negotiated a treaty, you may be able to find background information on the organization web site. For example, the United Nations makes the text of many treaties and related documents available on its web site.

Finding materials related to treaty interpretation is somewhat easier. International and national tribunals often interpret treaty provisions and there are several sources publishing these decisions.

Permanent Court of International Justice (PCIJ)

The predecessor to the International Court of Justice (ICJ) established under the League of Nations. It heard cases from 1922 - 1946. Documents of the PCIJ were published in several series:

Collection of Judgments: Series A
Main Library JX1971.5 A23
Library owns no. 1 - 24, covering 1923-1930.

Collection of Advisory Opinions: Series B
Main Library JX1971.5 A24
Library owns no. 1 – 18, covering 1923-1930.

Acts and Documents Relating to Judgments and Advisory Opinions: Series C
Main Library Oversize JX1971.5 A28
Library owns no. 1 – 19, covering 1922-1931.

World Court Reports: a collection of the judgments, orders, and opinions of the Permanent Court of International Justice.
Law Library KZ208 W67 2000 4 vol.
This is not a part of the PCIJ series of publications. However, it does reprint selected judgments, orders, and opinions from 1922 – 1942.

International Court of Justice (ICJ)
The main judicial organ of the United Nations. Founded in 1945. Publishes several series of documents. The ICJ web site (www.icj-cij.org) has made available all documents related to contentious cases and advisory opinions issued by the court since 1946.

Reports of Judgments, Advisory Opinions, and Orders
Main Library JX1971.6 A26
Library owns volumes covering 1947/48 – 1967, 1969 – present.

Other Sources

International Law Reports
Law Library KZ199 I582
A good source for hard to find judicial opinions. Volumes 1-16 are titled *Annual Digest of Public International Law Cases*. Reports attempts to publish all available decisions from international tribunals, most international human rights decisions, selected international arbitrations, and decisions of national tribunals concerning public international law. Each volume contains a table of cases, digest of cases, and a table of treaties. There is a Consolidated Index for volumes 1-80 and 81-100.

International Legal Materials (ILM)
Law Library Periodicals
As noted above (**Treaty Sources: Current**) ILM reprints the text of important court decisions in each issue.

Legal periodicals and law reviews devoted to the subject of international law sometimes reproduce important court decisions. For example, the *American*

Journal of International Law and *International Human Rights Reports* both report important decisions in every issue.

Electronic Resources

There are a number of treaty collections available on the Internet. The following are a small selection:

Australian Treaties Library - <http://www.austlii.edu.au/au/other/dfat>

Council of Europe, European Treaties - <http://conventions.coe.int/treaty/EN/cadreprincipal.htm>

Electronic Information System for International Law (EISIL) <http://www.eisil.org>

European Union Treaties - http://europa.eu.int/abc/treaties_en.htm

Hague Conventions on Private International Law - <http://www.hcch.net/e/index.html>

International Humanitarian Law - <http://www.icrc.org/eng/ihl>

Latin American Tax Treaties - <http://www.natlaw.com/treaties/taxtreat.htm>

Multilaterals Project - <http://www.fletcher.tufts.edu/multilaterals.html>

United Nations - <http://www.un.org>

WIPO Treaties - <http://www.wipo.int/treaties/index.html>

World Trade Organization (WTO) - <http://www.wto.org/index.htm>

The following web sites are useful for international law research in general:

American Society of International Law (ASIL) - <http://www.asil.org>

Hieros Gamos - <http://www.hg.org>

NYU's Guide to Foreign and International Legal Databases - http://www.law.nyu.edu/library/foreign_intl

Lexis and Westlaw

Both Lexis and Westlaw provide extensive databases of international and foreign law materials. These materials include court opinions from national and international tribunals, treaties and agreements, administrative materials, treatises, practice materials, law reviews and law journals, legal newspapers, international organizations, and international legal directories. Both Lexis and Westlaw are subscription services and require a password for access.

Updated by Michael Greenlee, June 2005